Published and Copyright (c) 1999 - 2001
All Rights Reserved

Atari Online News, Etc.
A-ONE Online Magazine
Dana P. Jacobson, Publisher/Managing Editor
Joseph Mirando, Managing Editor
Rob Mahlert, Associate Editor

Atari Online News, Etc. Staff

Dana P. Jacobson -- Editor
Joe Mirando -- "People Are Talking"
Michael Burkley -- "Unabashed Atariophile"
Albert Dayes -- "CC: Classic Chips"
Rob Mahlert -- Web site
Thomas J. Andrews -- "Keeper of the Flame"

With Contributions by:

To subscribe to A-ONE, change e-mail addresses, or unsubscribe, log on to our website at: www.atarinews.org and click on "Subscriptions".
OR subscribe to A-ONE by sending a message to: dpj@atarinews.org and your address will be added to the distribution list.
To unsubscribe from A-ONE, send the following: Unsubscribe A-ONE
Please make sure that you include the same address that you used to subscribe from.

To download A-ONE, set your browser bookmarks to one of the following sites:

http://people.delphiforums.com/dpj/a-one.htm
http://www.icwhen.com/aone/
http://a1mag.atari.org
Now available:
http://www.atarinews.org

Visit the Atari Advantage Forum on Delphi!
http://forums.delphiforums.com/m/main.asp?sigdir=atari

=~=~=~=

A-ONE #0348 11/30/01

~ Net Tax Ban Is Renewed ~ People Are Talking! ~ E-Shopping Concerns!
~ 1st Amendment Web Woes! ~ Senate To Hear MS Case ~ Tablet PC Challenge?
~ End of ExciteAtHome? ~ Child Porn Law Again!? ~ Type-Tracking Worm!

~ ~ AT&T Can Support Excite ~

-* Connecticut Says No To Deal! *-
-* Week 1: Half Million GameCubes Sold *-
-* Judge To Weigh Microsoft Antitrust Deal! *-

=~=~=~=

->From the Editor’s Keyboard "Saying it like it is!"
"""""""""""""""""""""""""""""

Is it me, or has this been a really lousy past week? It certainly hasn’t anything to do with the weather, which has been nice - especially for the last week of November! For some reason, it just didn’t seem like a fun week, or an interesting one.

On the news front, it’s been surprisingly slow, especially with regard to gaming news. You’d think that, with the holidays nearing and two new game consoles just released, there would be a ton of news. Not so.

Sure, there’s the inevitable story about the Microsoft antitrust case, and the pros and cons pertaining to the proposed settlement. Personally, I think the settlement proposal is a joke - and it’s not on Microsoft! Or, how about the usual story about another virus? Sure, we need to know so that we can be cautious. But aren’t these things getting "old hat" by now? Do people really still get off on sending out such things?

I don’t know. Maybe I’m just cranky because I don’t have my usual refrigerator-laden fill of leftover turkey and trimmings. Well, at least it’s the weekend - that’s a good sign. I do plan to spend some time getting reacquainted with the music of George Harrison. What a shame, the second of the Fab Four is gone. The "quiet" Beatle was always my favorite.

Until next time...

=~=~=~=

PEOPLE ARE TALKING
compiled by Joe Mirando
joe@atarinews.org

Hidi ho friends and neighbors. I hope that everyone who celebrated it had a wonderful Thanksgiving Day last week.

Since I celebrated Turkey-Day with my wife’s family, I too missed out on the best part of the holiday... the left-overs!

Well, we can’t have everything now, can we? Who was it that said, "A

man’s reach should always exceed his grasp"... or something like that.

The passing of Thanksgiving here in the ’States makes one thing plain: Winter is on its way! I actually like winter. The cold air, the hint of snow, the fact that most people stay inside (and out of my way) because of it! <grin>

Ahhh, I guess I’m just a romantic at heart.

Well, let’s get to the news and stuff from the UseNet.

From the comp.sys.atari.st NewsGroup

Martijn Scheltens asks for info about SCSI adaptors:

"I’m looking for an external SCSI host adapter for my Atari Mega STE, to be able to make swift hard disk backups to my PC without too much troubles. I’d be interested in an adapter from for example ICD, like the Link, Link 2, Link 96 or Link 97. Adapters of other brands or DIY kits, working or not, wouldn’t be a problem too."

Edward Baiz tells Martijn:

"I recommend the Link II. That is what I use for my STe...."

Uwe Seimet adds:

"Note that the Link II does not provide initiator identification, which guarantees the highest compatability. LINK96 and LINK97 do."

Edward Baiz now asks about a program to help deal with SCSI stuff:

"When I was asking questions concerning chaining SCSI devices, people mentioned a SCSI program they used to help them. I have been looking for this program and cannot find it. Can anyone tell me where to download it or else upload it to me? Thanks..

Also, has anyone successfully gotten a Sony CD drive to work with an Atari computer?"

Uwe Seimet tells Edward:

"What do you mean with "SCSI program"? What is such a program intended to do? Note that for each device designated drivers are required in order to access this device. You can use software like DISKUS, however, to directly send SCSI commands to a device. But this only makes sense if you are a SCSI expert and have something particular in mind with respect to this device."

Derryck Croker adds:

"I think that Edward is searching for SCSIDRV.PRG from Steffan Engle. It’s part of the Gemar archive, which as you know is a tape streamer backup program."

Peter Schneider answers the CDROM question for Edward:

"There will be no problem to use it as data drive (’read only hard drive’), there might be problems to use it as an audio drive (’grabbing’) but should not."

Edward now asks:

"Is there a good undelete program for an Atari computer?"

Ken Springer tells Edward:

"I liked Knife ST personally, but I don’t know if it’s available anymore."

John Garone adds:

"Diamond Edge has an undelete feature."

Peter West adds his thoughts:

"But Knife does not get along at all well with hard disks, specially with large partitions. Don’t think it caters for LFNs either. It’s fine on floppies There is an UNDEL.TTP (awkward as you have to enter the full path on the command line) as well as an UNDELETE.PRG which offers its own file selector of sorts; however that tells me I don’t have enough memory when I start it - on a 14 MB Falcon!

There’s also a rather good undelete in Diamond Edge, but unfortunately that does not like large partitions of LFNs either :-(As it reports nonsensical results (negative values!) for partition sizes with my 840 MB partitions, I wouldn’t trust it for undeleting."

Emil Prpiæ asks for info:

"This is my first time visiting this group. I’m sorry if my question is "look, yet another lamer with the same question" but I haven’t found any thread of a similar topic in this group.

So, I still have my old Atari 1040 STfm (german TOS, very early, 1.0 something I think, 1 MB, DS internal floppy). Some time ago, I’ve bought an ICD Link 2 SCSI host adapter (basically, it’s a cable that connects to my Atari’s AHDI hard disk port and on the other side there is a SCSI controller inside a big (SCSI-I type 50-pin) connector that plugs into an external 100 MB Quantum SCSI hard disk. Everything is working fine, I’m happy.

My question is - would it be possible (since it basically is a standard, normal SCSI hard drive) to connect this HDD to a PC with SCSI host adapter running under DOS or Win95 (naturally, disconnect it from Atari first) and - with help of some software on the PC side - read/write files directly from/to it. That is - I know that it WOULD be possible IF the software (a driver, a standalone program, whatever) that makes Atari format readable to PC existed.

Well, has anyone tried this? Does such a piece of software exist? If so, could you please give me the URL, or, if reasonable, E-mail it to me, or put in some binaries group, or whatever.

The reason I ask for this is that I see this as the fastest possible

way of transferring data and software to my Atari - I surf the web via a PC (Atari has a 19200 bps limit on its serial port so I think this is reasonable, don't you think?"

Grzegorz Pawlik asks for directions to english documentation:

"Does anyone know where can I find the English docs of the Scripter program from ASH? I have the German version, and the only bad thing about it is that I don't understand much from the documentation... :(Could anyone tell me where I can find the English HYP file, or send it to me?

By the way, is there an English version of ASH Scripter available?"

Peter West tells Grzegorz:

"Yes, Atari Workshop market it in the UK, together with a comprehensive HYP file (I translated the package for them). Current price is 24.95 UKP + post/packing. Their email address is: info@atari-workshop.co.uk"

Martin Tarenskeen asks about pricing for an Atari Laser printer:

"Anyone here who uses an Atari laser printer?
I have the opportunity to buy an Atari Laser printer from a used-to-be Atari dealer new in the box (!) for NLG 100 (EUR 45.38). Is this a good deal?"

Jim DeClercq tells Martin:

"One opinion: grab it. I paid USD $258 for mine, about a year ago, show machine, little used. Another unsupported opinion, with no data: the drums do not wear out, the wiper blade does. Those are made of unobtanium, but someone posted the fact that Canon CX are close enough fits to hack up a bit and use.

Original cost? First laser printer costing less than $1000 USD."

Well folks, that's it for this time around. Tune in again next week, same time, same station, and be ready to listen to what they are saying when...

PEOPLE ARE TALKING

=~=~=~=

->In This Week's Gaming Section - GameCube Sells Half Million Units In Its First Week!

=~=~=~=

Nintendo Sells Over 500,000 GameCubes in 1st Week

Nintendo said Thursday it sold more than 500,000 GameCube video game consoles in the week after the console's U.S. launch, outpacing sales of Microsoft Corp.'s competing Xbox.

Nintendo said in a statement that almost all of the first batch of consoles that had been shipped to U.S. retailers had sold out, but the first replacement orders of about 125,000 units had begun to arrive at U.S. stores.

The Japanese game maker said it shipped a total of 740,000 of the $199 GameCube consoles to North America for the unit's Nov. 18 launch, with about 80 percent of that total going to U.S. retailers.

Microsoft has not released figures on sales of the Xbox, but analysts have estimated the company had about 300,000 units available for the Nov. 15 launch of that next-generation console with most of those selling out within a few days.

Nintendo has marketed the GameCube to children and families and touted its price advantage over both the Xbox and Sony Corp's market-leading (6758.T) PlayStation 2, both of which are priced near $299 in the United States.

Sony Corp. sold out its first shipment of the PlayStation 2 when it launched in the United States last year, but had difficulty keeping up with demand as shipments lagged.

Nintendo now forecasts it will sell 1.3 million GameCube consoles by year-end. Microsoft has said it expects to ship between 1 million and 1.5 million Xbox units by year-end.

=~=~=~=

A-ONE's Headline News
The Latest in Computer Technology News
Compiled by: Dana P. Jacobson

Judge to Weigh Private Microsoft Antitrust Deal

Is Microsoft a do-gooder, or up to no good?

That's the question a federal judge in Baltimore will consider on Tuesday at a hearing on the company's billion-dollar antitrust settlement of

private, class-action lawsuits.

U.S. District Judge J. Frederick Motz will have to decide whether the settlement proposed by the company is a creative solution that will put computers in the hands of poor school children or a legal ruse that will further the company’s dominant position in the computer business.

Microsoft says the private settlement is a civic-minded way to resolve more than 100 lawsuits filed around the country on behalf of customers allegedly overcharged by the company.

Under the settlement, Microsoft would make amends by spending more than $1 billion to put software and computers into some of the poorest U.S. schools. It would assist more than 12,500 schools serving nearly 7 million children under the settlement of the private suits.

‘‘It is a settlement that avoids long and costly litigation for the company and at the same time ... really makes a difference in the lives of millions of school children in some of the most economically disadvantaged schools in the country," Microsoft Chief Executive Steve Ballmer told reporters last week.

But at Tuesday’s hearing, some class-action attorneys from California are expected to paint quite a different picture for Motz.

The dissenting attorneys, who have filed a case on behalf of California consumers, will ask Motz to strike down the settlement or allow their lawsuits to proceed separately in California.

They portray the settlement negotiated by Microsoft and the other class-action attorneys as a ploy designed to entrench the Windows monopoly while allowing the company to pay back only a tiny fraction of what it actually owes consumers.

Central to the dispute is a U.S. antitrust doctrine that holds that only a ‘‘direct purchaser" can collect damages in private antitrust suits.

The direct purchaser restriction applies nationwide, except in the more than a dozen states like California that have passed laws repealing it, said Gene Crew, an antitrust attorney heading one of the cases against Microsoft on behalf of California consumers.

In February, Motz ruled that in states that had not passed the so-called ‘‘repealer" statutes, antitrust litigants could not recover damages from the company. That’s because most consumers do not get Microsoft’s Windows software directly from the company, but preloaded onto a machine they buy from a computer manufacturer.

The cases in California and a handful of other repealer states, meanwhile, have been moving forward. The California case is scheduled to go to trial next August.

California attorneys dissenting from the settlement are accusing Microsoft of singling out the attorneys in nonrepealer states -- those with the weakest cases -- and secretly negotiating a sweetheart deal for the company.

The dissenters fear such a settlement could neutralize cases like theirs in repealer states, which they say still hold the potential for larger damage awards against Microsoft.

‘‘It was a clever tactic ... whereby they hijack the California case and use it to lend value to meritless cases elsewhere," Crew said.

However, the settling attorneys will tell Motz the settlement is a better deal for consumers than trying to divvy up money among individuals. Michael Hausfeld, one of the lawyers who negotiated the settlement, said consumers would have gotten as little at $10 apiece if Microsoft had agreed to reimburse them directly.

‘‘This was a very carefully thought-out plan," Hausfeld said. ‘‘There’s a lot of complaining out there, and there’s no relationship between the complaining and reality."

Hausfeld said Crew had vastly over-estimated the amount of money that can be recovered from Microsoft. And he scoffed at the idea that Microsoft had singled out the weakest plaintiffs for settlement talks.

‘‘Nobody pays over $1 billion to the weak link," Hausfeld said.

The five-year program would settle class-action claims that Microsoft abused its monopoly over personal computer operating systems and overcharged millions of people for software.

Microsoft said it would take a $550 million charge before taxes against earnings in the current fiscal quarter if the pact is approved by the court. Earlier this month, the software giant agreed to settle its separate, three-year case with the Justice Department and many of the state attorneys general who had sued the company.

At Tuesday’s hearing, dissenters from the private antitrust settlement will run through a list of legal objections to the deal, Crew said.

Crew said the private antitrust settlement is worth only a fraction of the amount Microsoft might end up owing to consumers. He estimates that in California alone, overcharges may total $3 billion to $9 billion.

‘‘Right there it flunks the smell test," Crew said. ‘‘It makes the settlement look silly."

Crew argued that the settlement deal is actually a "marketing device" that ‘‘allows them to further entrench their monopoly" by spreading free Microsoft software into primary and secondary schools.

‘‘I think charity is great," Crew said. ‘‘But they should do it as a matter of charity, not a matter of settling a lawsuit."

Ballmer has denied the settlement is aimed at boosting the company’s market share in American schools. He said money from the settlement can be used to buy software from Microsoft competitors.

Connecticut Won’t Sign Microsoft Settlement

Connecticut on Tuesday ruled out signing an antitrust settlement reached between Microsoft Corp., the federal government and nine of 18 states that were party to the landmark case.

Connecticut Attorney General Richard Blumenthal said the settlement announced earlier this month, which must still be reviewed by a federal judge, had too many gaps and ambiguities to sign in its current form.

‘‘The settlement reflects good progress but not good enough," Blumenthal said in a statement announcing his decision to continue the state’s lawsuit against the software giant.

Outside a Nov. 6 court hearing, Connecticut had been critical of the pact to settle the three-year-old case but had not ruled out the possibility it would sign.

Microsoft was found by a federal appeals court to have illegally maintained its monopoly in personal computer operating systems.

The proposed settlement is designed to give computer makers freedom to feature other software and requires Microsoft to share parts of the inner workings of its Windows computer operating system with other software makers.

During the five-year term of the agreement, a three-member panel would help enforce the settlement.

But Blumenthal said he thought a longer period was needed, along with a stronger enforcement mechanism and tighter provisions to stop Microsoft from retaliating against rivals.

‘‘I am hopeful that we can continue discussions with Microsoft and enhance the settlement or reach a judicial result to ensure that competition is restored and consumers benefit," he said.

District Court Judge Colleen Kollar-Kotelly has said she will hold hearings early next year on whether the settlement is in the public interest, while the nine states that remain opposed to the pact prepare for hearings on whether any additional sanctions against Microsoft are appropriate.

Senate Panel to Take Up Microsoft Settlement

The Senate Judiciary Committee is planning a hearing next month to determine whether the Microsoft Corp. antitrust settlement will do enough to prevent future antitrust violations, a spokesman for Committee Chairman Patrick Leahy said on Wednesday.

Leahy, a Democrat from Vermont, tentatively has scheduled the hearing for Dec. 12, Leahy spokesman David Carle said.

The committee has not yet compiled a list of witnesses for the hearing, and it’s uncertain whether Congress will stay in session long enough to make the Dec. 12 date, Carle said.

But ‘‘appropriate witnesses" for such a hearing could include the head of the Justice Department’s antitrust division, Charles James, as well as state attorneys general and a Microsoft official involved in the case, one Senate aide said.

Leahy had scheduled hearings for mid-September that would have taken up the Microsoft case as part of an overall examination of Internet competition

issues.

But Microsoft resisted and eventually the hearing was altered. The whole idea faded after the Sept. 11 attacks in New York and Washington, which left the committee swamped with terrorism legislation.

Before the attacks, debate swirled on Capitol Hill over Windows XP and its antitrust implications. Microsoft’s critics contend the new operating system is designed to extend the company’s monopoly over PC operating systems to Internet commerce and other business lines.

On Nov. 2 the company reached a settlement with the U.S. Justice Department designed to restore competition in the personal computer software market. Nine of the 18 states involved in the case joined that pact within days.

A federal appeals court in June upheld a lower court ruling that the company used illegal tactics to maintain its Windows personal computer operating system monopoly.

Bush Renews Ban on Internet Taxes

President Bush renewed a ban on Internet taxes on Wednesday, ensuring that the country’s 130 million Internet users will not face new taxes for at least another two years.

Bush said the legislation which he signed into law would "ensure that the growth of the Internet is not slowed by additional taxation and that holiday shoppers will not be burdened by new taxes on their online purchases."

Congress passed the original ban in 1998 to prevent states and local governments from imposing new taxes that might discourage growth of the new medium.

While those governments said there were few if any jurisdictions with immediate plans for new Internet taxes after the moratorium lapsed on Oct. 21, the extension of the ban was sure to cheer many in the Internet industry amid a nationwide economic slowdown.

Bush said online spending was expected to account for 15 percent of total holiday purchases this year.

‘‘The bill will protect American consumers from an unwanted tax surprise when they purchase gifts online for friends and family," he added in a statement.

Will Tablet PCs Kill Notebook Computers?

Microsoft chairman and chief software architect Bill Gates reintroduced the Tablet PC earlier this month at Comdex, calling the hybrid laptop and PDA "a new phase of mobile computing" for the business elite.

But to many onlookers, the scene was d j vu -- at nearly the same time last year Gates made an identical proclamation, but thus far no product

has been forthcoming. So is Microsoft’s Tablet PC merely a diversion, or will such a device be a genuine challenge to today’s notebook computers?

The version Gates showed at Comdex weighs in at just two-and-a-half pounds and translates voice and writing into text. The tablet converts into a slate and allows for an attached keyboard or docking at a desktop station. A longer battery life with wireless capability assists in running the Microsoft XP software.

Compaq, Fujitsu, Toshiba, Tatung and Acer are among the companies that introduced new Tablet PC concepts at the Las Vegas trade show.

A Microsoft spokesperson told NewsFactor Network that last year the prototype was not ready for release, but since then, the company has worked to perfect the decade-old concept.

"To be clear, no computer product is completely perfect. We have learned a great deal from prior attempts at non-keyboard types of computing applications, and can deliver a much more robust and useful set of capabilities out of the box."

The Tablet PC is scheduled to become available in the second half of 2002. Microsoft promises it will test the software extensively, and expects OEM partners to do the same with their final designs.

Neal Goldman, research director for the Yankee Group, told NewsFactor that Microsoft’s Tablet PC is an effort by the company to incorporate the best of laptops and PDAs into one easy-to-use product.

"PDAs are instant-on -- they have a lot of nice features to them -- but their screens are too small for certain kinds of applications. If you want a bridge between the two, the laptop is overkill. I think that’s the market they’re going after," said Goldman.

While previous attempts at tablet hardware have been directed at vertical markets such as the medical industry, Roger Kay, director of client computing at IDC, told NewsFactor that he questioned whether Microsoft can help the device make the leap to a more general audience.

"This particular product concept is better conceived than any other previous round of tablet, but the historical fact is that tablets have not done well with general audiences. So the question is, can they turn this around by positioning it as a full-functioning notebook that does everything a notebook does, plus more?" asked Kay.

For Microsoft, the Tablet PC is positioned as appealing to "the horizontal knowledge worker" in attempt to break the traditional vertical hold.

But such a leap brings the tablet into competition with notebook computers.

Though Microsoft says it envisions the Tablet PC as an "evolution" of laptop computers and will not commit to an extinction of notebook devices, the company is specific: "The Tablet PC is not a companion device."

As a Microsoft company spokesperson explained, "Long term, we see a promising future for both fully functional PCs and more specialized companions and appliances. Customers will always need the full power of the desktop, laptop and Tablet PC."

While PC purchasing in the U.S. suffered during 2001, with one Dataquest study estimating a 12 percent drop in shipments for 2001’s third quarter compared to last year, analysts point to a stronger laptop market and take that as a sign that tablet PCs have a fighting chance.

Kay also noted that consumers and businesses have kept the notebook market relatively stable.

"We actually saw some healthy growth with consumer portables in the third quarter, and we expect to see more of that in the fourth quarter," said Kay, who called 2002 forecasts generally "rosy."

"We may revise upward, but the notebook numbers will inevitably be higher than the desktop. We’re clearly seeing evidence of desktop replacement by notebooks," Kay explained.

Type-Tracking Internet Worm Spreading

An Internet worm that leaves infected computers vulnerable to future hacking by tracking what is typed on the keyboard, including passwords and credit card details, was spreading rapidly on Monday, computer security companie s warned.

The worm, called ‘‘Badtrans," spreads through Microsoft Outlook or Outlook Express e-mail programs and automatically sends itself to unanswered e-mails in inboxes, according to several antivirus companies.

The attachment, which contains the malicious program, can be executed simply by reading or previewing it and doesn’t need to be double clicked or opened separately, experts said.

The worm contains a keystroke logger which can be used to record what people type to obtain passwords and credit card numbers, they said.

‘‘It does no damage to files but does drop a backdoor trojan on the machine which would allow a hacker to come back and access personal information," said April Goostree, virus research manager at McAfee.com.

While corporate e-mail gateways are blocking the worm, many home and small office computer users who aren’t up-to-date on their antivirus software are getting infected, she said.

The subject line varies, often assuming the text of the unanswered e-mail whose e-mail address it co-opts. The name of the attachment varies as well, with suffixes including .doc, .pics and .news.

The worm, a variant of one discovered in April, has hit at least 50 countries, with most infections in Germany, followed by the UK and United States, said UK-based MessageLabs, which reported receiving 400 copies an hour this weekend.

ExciteAtHome Could Cease Service on November 30

Bankrupt cable Internet access provider ExciteAtHome Corp. said on Tuesday it could cease providing service to its 4.1 million U.S. customers on November 30 if it cannot renegotiate agreements with the cable companies that carry its service.

Representatives of Redwood City, California-based ExciteAtHome will appear in U.S. Bankruptcy Court in San Francisco on Friday, where a judge will decide whether to have the service blocked if current negotiations fail, said spokeswoman Stephanie Xavier.

‘‘It depends on the decision of the judge," she said. ‘‘All I can say is we’re in active negotiations with the cable companies. We’re doing all that we can to maintain service."

Xavier said many of the cable companies that carry ExciteAtHome have informed users that their service could cease after Nov. 30.

‘‘They’ve been notifying them and giving them a heads-up," she said.

AT&T Says Able to Keep ExciteAtHome Clients Online

AT&T Broadband, which plans to buy ExciteAtHome’s high-speed Internet business, believes it can shift about 20 percent of Excite users quickly to its own systems if that service is shut down this week by a bankruptcy judge, Chief Executive Officer William Schleyer said on Wednesday.

ExciteAtHome, which filed for Chapter 11 bankruptcy in late September, provides high-speed Internet access to 4.1 million customers nationwide over cable networks run by AT&T Broadband, Cox Communications Inc. and Comcast.

If the judge decides to shut down ExciteAtHome’s Internet service because the company fails to reach new agreements with the three cable companies, AT&T would be prepared to step in and offer continued high-speed Internet access to the 800,000 Excite customers who get their service over AT&T cable lines, Schleyer said.

Representatives of Redwood City, California-based Excite on Tuesday said high-speed Internet service could cease for its U.S. subscribers on Friday if it fails to reach new agreements with the cable companies.

Speaking to reporters at the cable TV industry’s Western Show convention, Schleyer said AT&T, a major investor in ExciteAtHome, has computer networking systems in place to serve its customers should a U.S. Bankruptcy Court in San Francisco decide to block ExciteAtHome’s service.

‘‘We are prepared to move our customers over very quickly," Schleyer said.

He said some customers may have their service disrupted for as much as one week, ‘‘but in most cases we are talking days."

ExciteAtHome briefly stopped providing Internet access in October, but resumed after reaching interim agreements with the cable companies it serves. Unless a permanent agreement can be reached before Friday, when the interim deals expire, the bankruptcy judge will decide whether to pull the plug on the service.

AT&T offered to acquire ExciteAtHome’s high-speed Internet access service for $307 million when ExciteAtHome filed for bankruptcy. But a lawyer for ExciteAtHome bondholders told Reuters the group was unsatisfied with the agreement because it would leave little cash for the repayment of creditors.

Schleyer said AT&T Broadband continues to hope it will be able to complete the acquisition.

Child Porn Law Heads to High Court

The U.S. Supreme Court on Wednesday will consider whether it should reinstate a controversial child porn law.

The high court will hear arguments related to the constitutionality of the Child Online Protection Act (COPA), a law that was passed three years ago but never took effect. COPA would make it illegal for companies to sell sexually explicit material to minors and would impose steep prison sentences and fines on violators.

A federal appeals court had blocked the law on grounds that it would suppress Internet speech and outlaw sites covering health, books, art and other areas. The Justice Department appealed the ruling to the Supreme Court earlier this year in an attempt to revive the law.

With Wednesday’s hearing, COPA becomes the latest online porn law to test the First Amendment in the high court. In 1997, the American Civil Liberties Union (ACLU) and the American Library Association challenged the Communications Decency Act (CDA), a bill that would have made it a felony to deliver indecent material to minors over the Internet. The Supreme Court justices unanimously ruled that CDA was unconstitutional and overturned major portions of the bill, saying such content is considered protected speech for adults.

The outcome of Wednesday’s hearing could have wide ramifications for the future of cyberspace and free speech. Some legal experts expect the courts to also strike down COPA, which is known as "the son of CDA." Owen Seitel, a partner at the law firm Idell Berman & Seitel, which is not involved in the lawsuit, said COPA is constitutionally "overly broad" in its effort to protect children from what legislators deem to be harmful speech.

COPA "ends up applying to speech which is useful to an adult audience and basically prevents that adult audience from obtaining that information," Seitel said. "Anytime that you have legislation that restricts speech in any way, it’s going to be strictly construed, meaning the court is going to be very careful to ensure that any restrictions on speech are as narrow as possible. And I just feel this piece of legislation fails that task."

The ACLU--which represents Web sites for bookstores, art galleries, sex advice columns, online news organizations and other plaintiffs in the case--will urge the justices to once again reject the law. The advocacy group says the constitutional flaws in COPA are identical to those found in CDA.

ACLU attorney Ann Beeson, who will be arguing the case before the court, said the law suppresses "socially valuable speech" that adults have the right to express. The only way to avoid criminal prosecution under the

law, she says, is to set up screens such as credit card requirements or adult access codes. But screens could deter all users--both minors and adults--from accessing content that would otherwise be free.

"The Web provides access to more speech by more speakers than any other communication medium in history," Beeson said. "COPA threatens to transform this dynamic medium into one...that is only fit for children."

Still, others hope the justices will rule in favor of the law. Donna Rice Hughes, who runs Protectkids.com, said COPA is "a rifle shot approach" that holds U.S. pornographers accountable for their commercial Web sites and shields children from harmful material.

"The law is clear; it's worked in print for years," Hughes said. "COPA essentially extends those laws in the material world to the cyberworld."

Justices Revisit the Issue of Child Protection in the Age of Internet Pornography

Four years after the Supreme Court overturned the federal government's first effort to shield children from pornography on the Internet, the justices were back Thursday to consider whether the government's second try could pass First Amendment muster.

Even more sharply than before, the central question is whether a body of law that evolved in the heyday of the neighborhood adult bookstore and movie theater suits the age of the Internet.

The federal appeals court in Philadelphia last year blocked enforcement of the Child Online Protection Act, the successor to the invalidated Communications Decency Act. The court reasoned that in the global context of the Internet, the new law's use of "contemporary community standards" to identify material that is "harmful to minors" placed an impermissible burden on speech that deserved constitutional protection. The law gave "the most puritan of communities" an effective veto power, the appeals court said.

Hearing the Bush administration's appeal of the injunction issued by the United States Court of Appeals for the Third Circuit, the justices today appeared inclined to agree with the appeals court's analysis, as far as it went. But they wondered whether the Third Circuit read the law correctly.

Suppose what Congress really meant by community standards in the context of the Internet was a national standard, "the United States taken as a whole," Justice Stephen G. Breyer said. Wouldn't that solve the problem?

Solicitor General Theodore B. Olson said the government would be satisfied with a national standard because that was what Congress intended. "Congress felt there was not much variation in what the average adult would think was harmful to minors" when it enacted the Child Online Protection Act in 1998, he said.

Asked by Justice Ruth Bader Ginsburg for the basis of that Congressional conclusion, Mr. Olson said the report accompanying the legislation did not explain the point. But it was "reasonable to conclude that the members of Congress reflected a judgment developed as the result of running for office and serving in the national legislature," he said.

"Doesn’t any jury necessarily apply the standards of its own community?" Justice Antonin Scalia asked, adding: "What does a juror who has spent his whole life in North Carolina know about Las Vegas?"

Ann E. Beeson, a lawyer for the American Civil Liberties Union representing a group of Internet publishers and users who sued to block the law, said any effort to apply a national standard "would be an exercise in futility" because the "least tolerant" standard would inevitably prevail. The law threatened to "transform this dynamic medium into one that is only for children," Ms. Beeson said.

Ms. Beeson’s clients include the online magazine Salon; ArtNet, a leading seller of fine art on the Web; and providers of information about sex for gay people and for people with disabilities. To her, the law’s major threat was to impose self-censorship on providers of material that has full First Amendment protection when offered to adults but that puts them at risk of prosecution if minors see it.

The law carries penalties of a $50,000 fine and six months in jail for those who knowingly "make any communication for commercial purposes" on the World Wide Web "that is available to any minor and that includes any material that is harmful to minors," those younger than 17. It is an acceptable defense to block access by minors by requiring an adult access code, a credit card, an identification number or similar measures.

While Ms. Beeson focused on the protected nature of the speech for adults, Mr. Olson’s emphasis was on the "substantial, incalculable damage to our children" from sexually explicit material on the Internet. There were 28,000 commercial pornography sites "readily available" to children "as long as they can type and read," he said, calling the law a "solution to a desperate problem."

Some justices shared that concern in 1997, when they still voted, 9 to 0, in Reno v. American Civil Liberties Union, No. 96-511, to strike down the Communications Decency Act as overly broad and infringing on the free speech rights of adults.

Mr. Olson said that in enacting the Child Online Protection Act the next year, Congress responded to the court’s "explicit and detailed guidance" and wrote a more carefully tailored law.

Among the differences, he said, was that the new law was limited to commercial Internet sites, while the earlier law applied to chat rooms and sites run by nonprofit organizations. In addition, Congress borrowed from the Supreme Court’s obscenity cases and made the law apply only to material that "taken as a whole, lacks serious literary, artistic, political, or scientific value for minors."

While the Federal District Court in Philadelphia found that the law still deterred too much speech that was constitutionally protected for adults, the Third Circuit did not address that broader question, instead basing its opinion on its analysis of the community standards issue.

From the justices’ questions during the argument today in Ashcroft v. American Civil Liberties Union, No. 00-1293, it appeared that the Supreme Court might vacate the Third Circuit’s opinion on that point and tell the appeals court that community standards really meant some kind of national standard. Such an outcome would not be a final ruling on the law’s constitutionality, because the Third Circuit would then have to address

the other First Amendment issues that were raised in the trial before the district court.

Any effort to determine a national standard for indecent speech, even if limited to minors, would raise new problems of its own, however, to which several justices alluded during the argument today.

The Supreme Court adopted the community standards approach to obscenity in the 1970's in part to free itself from the need to make its own determinations in case after case. A finding in this case that community standards in the traditional sense no longer work could call into question the approach to obscenity as well.

Online Limits to the First Amendment

A one-two punch handed down this week by U.S. courts to free-speech advocates may signal that the freewheeling days of unfettered speech on the Internet are numbered, First Amendment experts said.

The decisions in two lawsuits testing controversial copyright legislation on Wednesday upheld the ability of content owners to restrict access to their works and showed that U.S. courts are more than willing to limit what can be published online.

Along with the government's push for more surveillance powers on the Internet, the judgments could herald the end to the "untouchable" status of free speech on the Internet, legal experts said.

"Unfortunately, I am not one of the optimists on this front," said Allonn Levy, a partner with the HS Law Group and the lead attorney defending a group of Web sites against a California lawsuit brought by the DVD Copy Control Association. "There is a great deal of policy being created to differentiate between analog media and digital media, between the Internet and the real world."

A few years make a difference. In 1997, the U.S. Supreme Court readily struck down the onerous Communications Decency Act, ruling that it would hinder free speech on the Internet. Yet four years later, the judiciary seems ready to limit the publishing of information across what the high court referred to as the "new medium of worldwide human communication."

Most of the controversy revolves around the Digital Millennium Copyright Act of 1998 (DMCA), a law designed to protect copyright holders' ability to put digital fences around their content and placing restrictions on what can be published online and what people may access.

The latest rulings support the DMCA, championing those who aim to own information, Levy said. "I think the direction that policy-makers are going is toward less free speech on the Internet."

In the most-watched case, the 2nd U.S. Circuit Court of Appeals in New York upheld restrictions on the online hacker magazine 2600, limiting its ability to post or link to the DeCSS program for cracking DVDs.

The magazine and its publisher, Eric Corley, were ordered to remove all copies and links to copies of the program, but Corley's lawyers argued that his site--a news page for hackers and underground Net users--is

protected by the First Amendment.

The appeals court did not agree, however. In a 71-page ruling issued Wednesday, the three-judge panel affirmed a lower court's decision against Corley, saying that DeCSS code is only partially protected speech and that such speech can be restricted on the Internet.

"The court spends 10 pages arguing that code is free speech," said Cindy Cohn, legal director for the Electronic Frontier Foundation. "Then, in the second half, they say, well, because the Internet is a more efficient way for people to get information and because it is more easy to use, we are going to give it less protection," added Cohn, who with dozens of lawyers submitted a brief arguing that the restrictions on Corley should be dropped.

Charles Sims, a partner with Proskauer Rose who represents the Motion Picture Association of America in its case against Corley, dismissed fears of free-speech restrictions, calling them a "false bill of goods."

"Copyright and free-speech law have coexisted now for 200 years," he said. "There is no free-speech problem with these statutes."

Yet the appeals court's own statements disagree with Sims'. Specifically, the court acknowledges there is a trade-off between allowing unfettered speech and preventing the misuse of protected copyrighted content.

"The fundamental choice between impairing some communication and tolerating decryption cannot be entirely avoided," stated the panel in its findings, adding, "it is not for us to resolve the issues of public policy implicated by the choice we have identified."

That is Congress' role, the court maintained. And so far, lawmakers have decided to strengthen content owners' rights at the potential expense of free speech.

With a finger testing the legal winds, many companies have been quick to take advantage of their new powers by quashing vocal online critics with threats of legal action under the DMCA.

When posters to the tech-issues Web board Slashdot published specifications for Microsoft's proprietary version of the security standard Kerberos, the software giant sent the site's owner a letter threatening a lawsuit under the DMCA. Slashdot resisted, and later Microsoft dropped its demands.

And British medical research firm Huntingdon Life Sciences temporarily shut down the Web site of anti-animal-testing group Stop Huntingdon Animal Cruelty by delivering a cease-and-desist letter in late August to the group's Internet service provider, alleging violations of the DMCA.

This week's second ruling seems to make issuing threats of legal action a no-risk proposition as well.

Judge Garrett Brown of the Federal District Court in Trenton, N.J., dismissed a lawsuit brought by computer science professor Edward Felten against the Recording Industry Association of America, the primary representative for the music industry.

Felten and his research group had taken part in a music-industry challenge to break several proposed technologies for protecting music. When he

decided to publish his findings, the music industry threatened legal action against him.

When he decided to sue the RIAA, the music industry group claimed that it had not intended to actually sue. These statements and the fact that Felten did publish his paper in August without being sued convinced Judge Brown that there was no threat.

Yet many researchers and hackers already feel threatened. Worried that they could run afoul of corporate copyright lawyers, security academics and professionals are starting to pull published information that may be covered by the DMCA.

In September, two researchers removed software from their sites because the programs could have been construed as "circumvention tools" under the DMCA.

One, a professor of digital forensics, removed his evidence-gathering tool--dubbed Forensix--from his Web site. The other, a hacker for network-protection company Arbor Networks, pulled his own security-tool site in protest.

In June, fearing he could be held liable for violating the DMCA, the operator of a Web forum about digital video recorder TiVo asked posters to stop publishing information about how to copy video from the device onto other machines.

The only bright spot for free-speech advocates is a California appeals court ruling that called source code protected speech. The court overturned an earlier order barring online publishing of the DeCSS code.

Posting the program is the same as publishing other controversial statements and merits full constitutional protection, the appellate judges found.

Levy, the lead defense attorney in the case, is heartened by the ruling, but says he believes policy-makers and the courts need to take a step back and look at the issues outside of technology.

"Folks are looking at it a bit wrong," Levy said. "The danger may be magnified by the Internet, but it’s not being created by the Internet."

In the end, having a set of laws for digital information on the Internet and a set of laws for the non-digital world doesn’t make sense, he argued.

"We must have a uniform set of laws," he said. "New technology doesn’t alter basic rights and tenets."

Consumers Still Worried About Security Of E-Shopping

Online shopping may be convenient, but it has yet to win the hearts and minds of many who fear their private information will be compromised or stolen outright.

According to a Jupiter Media Metrix survey, fears persist about the security of credit card numbers and personal information among those who online, as well as offline.

According to the survey, 59 percent of shoppers who eschew online purchases for trips to brick-and-mortar stores are afraid their credit card data will be pilfered. More than half -- 54 percent -- said they are worried their information will be sold to other merchants.

Consumers' concerns about fraud are legitimate because they will act on their perceptions, said Jupiter Rja Dhinsa.

"And their fears are valid because some of the technologies are unproven," he said. "From time to time you do hear about credit card databases being accessed and cards being stolen, so until security improves, you'll see that fear remain."

Shoppers are also reluctant to have their personal information peddled to marketers online.

Buyers' information is often sold by brick-and-mortar institutions, and consumers have good reason to be wary of the practice being replicated online, Dhinsa said.

"Consumers have a frustration level in terms of their information being shared, and that will just continue to increase," he said. "Until they can be assured their information will be confidential, this will be an obstacle that will make them hesitate to provide their information online," he said.

=~=~=~=

Atari Online News, Etc.is a weekly publication covering the entire Atari community. Reprint permission is granted, unless otherwise noted at the beginning of any article, to Atari user groups and not for profit publications only under the following terms: articles must remain unedited and include the issue number and author at the top of each article reprinted. Other reprints granted upon approval of request. Send requests to: dpj@atarinews.org

No issue of Atari Online News, Etc. may be included on any commercial media, nor uploaded or transmitted to any commercial online service or internet site, in whole or in part, by any agent or means, without the expressed consent or permission from the Publisher or Editor of Atari Online News, Etc.

Opinions presented herein are those of the individual authors and do not necessarily reflect those of the staff, or of the publishers. All material herein is believed to be accurate at the time of publishing.